

OPERATING AND SETTLEMENT AGREEMENT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "OPERATING AND SETTLEMENT AGREEMENT" ("AGREEMENT") BETWEEN THE CITY AND PIER B DEVELOPMENT CORP.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ANY RELATED DOCUMENTS UPON THE ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this Agreement, in addition to the existing "Declaration of Covenants, Conditions and Restrictions," for Pier B, provides certain conditions, including, but not limited to, a cap on the number of cruise ships that may dock at Pier B, increased disembarkation fees, limits on the number of passengers who disembark within certain timeframes, black-out dates, and limits on the maximum length of cruise ships docking at Pier B; and

WHEREAS, the City Commission, having considered local and state concerns, and legislation regarding the impact of cruise ships on the City of Key West and its surrounding environment, hereby finds that executing the attached "Operating and Settlement Agreement" with Pier B is in the best interests of the City, its residents, visitors, and the surrounding environment; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the attached "Operating and Settlement Agreement" between the City of Key West and Pier B Development Corp., a Florida corporation, is hereby approved.

Section 2: That the City Manager is authorized to execute the Agreement and any related documents upon the advice and consent of the City Attorney.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2022.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk on _____, 2022.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK